

FISCAL MEMORANDUM

SB 2598 – HB 2600

April 16, 2008

SUMMARY OF AMENDMENT (016750): Increases, from a Class A misdemeanor to a Class E felony, the penalty for theft of property valued at \$500 or less for a fifth or subsequent violation.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$14,419,300/Incarceration*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$2,882,500/Incarceration*

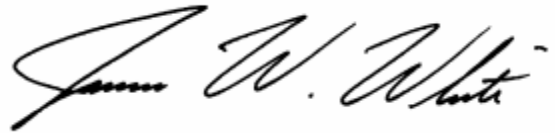
Assumptions applied to amendment:

- According to the Administrative Office of the Courts, there has been an average of 1,881 trial court convictions for the Class A misdemeanor offense of property theft valued at \$500 or less for the past five years. Total convictions, including general sessions courts, are estimated to be an average of 18,810 per year. The Department of Correction (DOC) estimates that two percent (376) would be punished as Class E felonies for a fifth or subsequent violation under this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6 percent over the next 10 years.
- Three hundred seventy-six offenders will receive a sentence elevated from a Class A misdemeanor to a Class E felony and will serve an additional 0.3 years (109.58 days) in the first year. Population growth will result in 43 additional offenders in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 419 offenders serving 0.3 years.
- According to the Department of Correction, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 0.3 years is \$6,879.43 (\$62.78 x 109.58 days). The total additional operating cost for 419 offenders is \$2,882,481.17 (\$6,879.43 x 419).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/lsc